

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC R. TOWNSEL,)	CASE NO. C07-0482-JLR-MAT
)	
Plaintiff,)	
)	
v.)	ORDER RE: PLAINTIFF'S
)	PENDING MOTIONS
KEN QUINN, et al.,)	
)	
Defendants.)	
_____)	

This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the Court at the present time on plaintiff's motions for a status report on all previously filed motions, for an order striking defendants' reply brief in support of their motion to dismiss, and for entry of default judgment against defendant Fansler. The Court, having reviewed plaintiff's motions, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's motion for a status report on all previously filed motions (Dkt. No. 31) is GRANTED. The Clerk shall send plaintiff a copy of the docket sheet for this case.

(2) Plaintiff's motion for an order striking defendants' reply brief in support of their motion to dismiss (Dkt. No. 34) is DENIED. Plaintiff asserts that defendants' reply brief was

untimely because it was not filed the day before the motion to dismiss was noted for consideration. Pursuant to Local Rule CR 7(d)(3), reply papers are to be filed not later than the date a motion is noted for consideration. Defendants' reply brief was received on the noting date and, thus, the brief was timely filed.

(3) Plaintiff's motion for entry of default judgment against defendant Fansler (Dkt. No. 35) is DENIED. The service packet mailed to defendant Fansler at the address provided by plaintiff was returned to the Court with a notation indicating that defendant Fansler had moved and left no forwarding address. Because defendant Fansler has never been served, he is not a party to this action. Accordingly, default may not be entered against him. If plaintiff wishes to pursue his claims against defendant Fansler, he must provided the Court with a current address at which defendant Fansler may be served.

(4) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable James L. Robart.

DATED this 14th day of September, 2007.


Mary Alice Theiler
United States Magistrate Judge